THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.11518 of 2006

Dated: 21-07-2006

Between:

Karatlapally Mallaiah

..... PETITIONER

AND

The Regional Pass Port Officer,
Secunderabad.

.....RESPONDENT

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.11518 of 2006

O R D E R:

Heard the learned counsel for the petitioner and Sri A. Rajasekhar Reddy, learned Assistant Solicitor General, who accepted notice for the respondent.

It is the case of the petitioner that his actual date of birth is 10-01-1974, but in the passport issued to him by the respondent, his date of birth was wrongly mentioned as 01-10-1974, and that though he represented to the respondent to alter his date of birth in the passport and issue fresh passport, the respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the passport. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain his application for correction of date of birth and issue fresh passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:

> " (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of

birth/place of birth is the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth."

As of today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondent to receive the application of the petitioner for correction of date of birth in the passport and process the same after verifying the genuineness or otherwise thereof basing on the documents filed by the petitioner for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above direction the writ petition is disposed of. No costs.

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G.ROHINI,J

Dated:24-04-2006

KLP